



Contact: Amy Blakely
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Amy.Blakely@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2011_LAKEM_005_00 (11/04910)
Your ref: RZ/14/2007

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REG MAIL CTR NSW 2310

Dear Mr Bell,

Re: Planning Proposal to backzone 69.6ha of land at West Wallsend from 2(1) Residential, 5 Infrastructure and 6(1) Open Space to 7(1) Conservation (Primary) under Lake Macquarie LEP 2004 and E2 Environmental Conservation under draft Lake Macquarie LEP 2011

I am writing in response to your Council's letter dated 9 March 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Lake Macquarie Local Environmental Plan 2004 to backzone 69.6ha of land at West Wallsend from 2(1) Residential, 5 Infrastructure and 6(1) Open Space to 7(1) Conservation (Primary) under Lake Macquarie LEP 2004 and E2 Environmental Conservation, with a 20ha minimum lot size under the draft Lake Macquarie LEP 2011.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

It is noted that the site was zoned for residential development in 1984 prior to the publication of environmental protection and conservation legislation. It is also acknowledged that a large portion of the subject land has environmental attributes and contains areas of ecological significance and conservation value. Notwithstanding this, the planning proposal is inconsistent with the Lower Hunter Regional Strategy (LHRS), which identifies the site as an existing urban area, is surrounded by large parcels of additional land in the Western Corridor Planning Strategy that are identified for residential and employment investigation, and adjoins similarly heavily vegetated land zoned for residential and developed residential land.

Therefore, the planning proposal has not considered the relationship of the proposed conservation zoning over the entirety of the site to the strategic direction set out in the subject strategies. Council should consider the ability of the land to accommodate residential development of a lesser intensity, and retain conservation, heritage and environmental value. The Lifestyle 2020 Strategy identifies environmental value within the site, but also considers the land to have sufficient capacity to accommodate a small level of increased growth.

It is recommended that further strategic work be undertaken, potentially as part of Council's strategic planning for its Lifestyle 2020 project, which reviews the capacity of the site to accommodate future potential development in the context of identified environmental values and attributes. Council should use this as a basis to inform the preparation of any future planning proposal submitted to the Department.

Should you have any queries in regard to this matter, please contact Amy Blakley of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



29/5/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_005_00): to backzone 69.6ha of land at West Wallsend from 2(1) Residential, 5 Infrastructure and 6(1) Open Space to 7(1) Conservation (Primary) under Lake Macquarie LEP 2004 and E2 Environmental Conservation under the draft Lake Macquarie LEP 2011.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan 2004 to backzone 69.6ha of land at West Wallsend from 2(1) Residential, 5 Infrastructure and 6(1) Open Space to 7(1) Conservation (Primary) under Lake Macquarie LEP 2004 and E2 Environmental Conservation with a 20ha minimum lot size under the draft Lake Macquarie LEP 2011 should not proceed for the following reasons:

1. The Planning Proposal is inconsistent with the Lower Hunter Regional Strategy (LHRS), which identifies the site as an existing urban area, and is adjacent to land in the Western Corridor Planning Strategy that is identified for residential and employment investigation. It also adjoins heavily vegetated land zoned for residential and land that has been developed for residential use.
2. The planning proposal has not considered the relationship of the proposed conservation zoning over the entirety of the site to the strategic direction set out in the subject strategies. Council should consider the ability of the land to accommodate residential development of a lesser intensity, and retain conservation, heritage and environmental value.

Dated 29th day of May 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure